

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	DA 12-1873 and DA 12-1877
Wireless Bureau and OET Seek Comment)	
On Progeny's M-LMS Field Testing Reports)	WT Docket No 11-49
)	

To: Office of the Secretary
Attn: Chief, Wireless Telecommunications Bureau
Attn: Chief, Office of Engineering and Technology

Reply Comments on the Progeny Test Reports

The undersigned entities ("SkyTel")¹ hereby comment on the Progeny testing and test reports ("Test" and "Test Reports") referenced in DA 12-1873.

SkyTel also submits below a Motion to Strike.

Part 15 Interests and Progeny,
Avoidance of Basic Rules and Rule Purposes

SkyTel addresses here (in addition to what was presented in its Comments), a certain aspect of Comments by parties with interests in using the subject Progeny spectrum (and wider parts of 902-928 MHz) on an unlicensed basis ("Part 15 Interests"), and a certain aspect of the Progeny position underlying the subject test and test report.

By way of example, in its Reply Comments Excelon asserts that "Test results from Progeny, Itron, Landis + Gyr and WISPA all clearly demonstrate that operation of Progeny's transmitters cause degradation in the reliability of Part 15 devices." However, the requirement of a M-LMS licensee as to testing was cited in the SkyTel Comments (from a Commission Order

¹ Note, V2G LLC, a company managed by Warren Havens, does not at this time join in these Comments. It may, however, Reply to these Comments and other Comments.

that was the final word on what the M-LMS test requirement was and was not): that is not to protect Part 15 device individually, or to protect systems of said devices from any degradation.

First, any such test has to be for purposes of the M-LMS rule requirements and allowances, not any test of M-LMS spectrum. See SkyTel Comments on this matter. But setting aside the Progeny defects in that regard --

The nature of Part 15 devices, systems and rules is that there is an expectation of interference by other Part 15 devices and systems (which by rule cannot be coordinated to “hog” the band, etc.). It is lack of candor for Part 15 Interests to assert that they are entitled to interference (or “degradation”) protection from M-LMS operations that they are not entitled to as to other, non-coordinated Part 15 devices and systems (or possibly their own devices in their own systems). Rather, what the Part 15 Interest appear to be suggesting, in unspoken group language, is that by their numbers and assertion of critical services, they can change the rules, and the relations the Commission set in Orders as to licensed M-LMS vs. Part 15. To do that, they avoid the ITS purpose of M-LMS, as does Progeny.

That is objectionable as to the entirely clear decision the Commission made in establishing M-LMS for ITS, labeling it an ITS Radio Service (one of only two), and enacting rules on these matters that have not been changed to date (after many years of attempts by both Progeny and many Part 15 Interests). ITS is more “critical” than smart grid, or other Part 15 Interests use of the subject spectrum, for reasons well established in the relevant industries for technical and regulatory reasons, including that ITS involves moving vehicles an more extensive roadway systems vs. the Part 15 Interests fixed infrastructure (smart grids) and WISP services: these can use higher spectrum including, if they do not choose to pay for spectrum, in 2.4 and 5 GHz unlicensed bands. But ITS mobile radio location and communications cannot effectively use

unlicensed bands or spectrum higher than 1 GHz, as the Commission specifically described in the rule making Orders resulting in the current LMS rules.

M-LMS Purpose and Rules Securing the Purpose

Progeny is free to pursue M-LMS for its ITS purposes and under the rules that secure this (see the SkyTel Comments).

Until then, no test by Progeny is based the rules and purposes, and is defective. And Comments on said tests and test reports, and related pleadings, are missing this core requirement.

[Execution on next page.]

Respectfully submitted, January 11, 2012,

Skybridge Spectrum Foundation, by

[Filed electronically. Signature on file.] Warren Havens, President

Telesaurus Holdings GB LLC, by

[Filed electronically. Signature on file.] Warren Havens, President

Environmental LLC (formerly known as AMTS Consortium LLC), by

[Filed electronically. Signature on file.]
Warren Havens, President

Verde Systems LLC (formerly known as Telesaurus VPC LLC), by

[Filed electronically. Signature on file.]
Warren Havens, President

Intelligent Transportation & Monitoring Wireless LLC, by

[Filed electronically. Signature on file.]
Warren Havens, President

Warren Havens, an Individual

[Filed electronically. Signature on file.]
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